

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  AQUILA, INC., d/b/a AQUILA NETWORKS	DOCKET NO. SPU-03-7
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**ORDER EXTENDING DEADLINE FOR BOARD ACTION, RESCHEDULING  
REBUTTAL TESTIMONY AND HEARING, AND ESTABLISHING DATE FOR  
APPLICATION FOR CONFIDENTIALITY**

(Issued June 13, 2003)

On May 21, 2003, the Utilities Board (Board) issued an order denying a request for expedited waiver filed by Aquila, Inc., d/b/a Aquila Networks (Aquila), and establishing a procedural schedule for consideration of a proposal for reorganization. The procedural schedule established dates for filing prefiled testimony and a hearing date of June 30, 2003. After review for the initial round of testimony, the Board has determined that it has questions of the parties that will require the filing of additional testimony. In addition, Aquila has requested that the date for filing rebuttal testimony be rescheduled from June 13, 2003, to June 17, 2003. Aquila indicated that it did not have all of the data request responses from the Consumer Advocate Division of the Department of Justice (Consumer Advocate) that it needed to prepare the rebuttal testimony.

The Board will modify the procedural schedule in this matter by rescheduling rebuttal testimony to June 17, 2003. The Board will also reschedule the hearing to allow for the filing of the additional testimony in response to Board questions that may

be issued after review of the rebuttal testimony. The hearing will be rescheduled to August 19, 2003.

Iowa Code § 476.77 requires the Board to issue an order acting on the proposal for reorganization within 90 days of the filing unless the Board, for good cause shown, extends the deadline for action by another 90 days. The Board finds there is good cause for extending the deadline for acting on the proposal for reorganization an additional 90 days beyond July 29, 2003, to October 27, 2003. The issues raised by the proposal are unusual and have not been addressed by the Board previously. The additional time is needed for the Board to issue the order with questions and for the parties to file the additional testimony.

Additionally, on June 2, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed prefiled testimony, some of which was marked confidential. Consumer Advocate, in the cover letter, indicated that it had marked the testimony as confidential based upon the claim of confidentiality of Aquila. Consumer Advocate requested the Board not allow public access to the confidential testimony for ten days to allow Aquila the opportunity to file a request for confidentiality.

The Board will allow Aquila until June 18, 2003, to file a request for confidentiality regarding the information filed by Consumer Advocate that was marked as confidential by Aquila. If Aquila does not file the request by that date, the information will be placed in the public file.

**IT IS THEREFORE ORDERED:**

1. The date for action on the proposal for reorganization is extended from July 29, 2003, to October 27, 2003.
2. The date for filing rebuttal testimony is rescheduled to June 17, 2003.
3. The hearing scheduled for June 30, 2003, is rescheduled for 9 a.m. on August 19, 2003. The purpose of the hearing is to receive testimony and cross-examination of all testimony. The hearing shall be held in the Utilities Board Hearing Room, 350 Maple Street, Des Moines, Iowa. The parties shall appear one-half hour prior to the time of the hearing for the purpose of marking exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.
4. The parties may file simultaneous initial briefs on or before August 26, 2003.
5. In the absence of objection, all underlying workpapers shall become a part of the evidentiary record of these proceedings at the time the related testimony and exhibits are entered into the record.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 13<sup>th</sup> day of June, 2003.